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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 UNITED STATES OF AMERICA

6 vs.

CASE NO: 3:03cr220-A

7 DAVID JEROME CRAWFORD,

8 Defendant.
9

10 * * * * *

11 SENTENCING HEARING

12 * * * * *

13 BEFORE THE HONORABLE W. HAROLD ALBRITTON, UNITED
14 STATES DISTRICT JUDGE, at Montgomery, Alabama, on Wednesday,
15 June 23, 2004, commencing at 11:04 a.m.

16 APPEARANCES:

17 FOR THE GOVERNMENT: Ms. Susan R. Redmond
18 Assistant United States Attorney
19 OFFICE OF THE UNITED STATES ATTORNEY
20 One Court Square, Suite 201
21 Montgomery, Alabama 36104

22 FOR THE DEFENDANT: Ms. Christine A. Freeman

23 Executive Director

24 FEDERAL DEFENDERS

25 MIDDLE DISTRICT OF ALABAMA

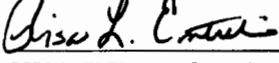
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Proceedings reported stenographically;
transcript produced by computer.

<p>United States of America v. David Jerome Crawford</p> <p>June 23, 2004</p> <p>2</p> <p>1 (The following proceedings were heard before the Honorable 2 W. Harold Albritton, United States District Judge, at 3 Montgomery, Alabama, on Wednesday, June 23, 2004, 4 commencing at 11:04 a.m.:)</p> <p>5 THE CLERK: Remain seated. Court will come to order.</p> <p>6 THE COURT: All right. I'll call United States of 7 America versus David Jerome Crawford. Come forward, please.</p> <p>8 Mr. Crawford, have you, and Ms. Freeman, have you, as 9 defense counsel, reviewed the presentence report, including any 10 revisions that may have been made after the initial disclosure?</p> <p>11 MS. FREEMAN: We have, Your Honor.</p> <p>12 THE COURT: All right. And you have, Mr. Crawford?</p> <p>13 THE DEFENDANT: Yes, sir.</p> <p>14 THE COURT: According to the presentence report, there 15 are no objections; is that correct?</p> <p>16 MS. FREEMAN: That's correct, Your Honor.</p> <p>17 THE COURT: All right. The United States has filed a 18 motion for the additional one-point downward departure for 19 acceptance of responsibility. I grant that motion, and that has 20 been figured in in the presentence report.</p> <p>21 MS. REDMOND: Thank you, Your Honor.</p> <p>22 THE COURT: And there being no objections to the 23 presentence report, the Court adopts the factual findings 24 contained therein with specific findings that the defendant is 25 an armed career criminal and, accordingly, the offense level is</p> <p>Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405</p>	<p>United States of America v. David Jerome Crawford</p> <p>June 23, 2004</p> <p>4</p> <p>1 convictions are for misdemeanors which are obviously related to 2 intoxication, to his drug and alcohol use -- many DUIs, many 3 public intoxications, many resisting arrests -- inappropriate 4 behavior, dangerous, even, behavior, but behavior that was 5 related to that intoxication.</p> <p>6 And while I know that the Court perhaps cannot take 7 comfort in this, I would point out that he actually did not have 8 any arrests from his release on his last state custodial 9 conviction until this arrest, and that was two years. And that 10 was the first time in almost 15 years that he had gone for that 11 long a period of time without an arrest at all.</p> <p>12 So while I understand the probation officer's concern 13 about Mr. Crawford and his future position in the community, I 14 do think that the presentence report, as negative as it may 15 appear, actually does show both the cause for this behavior in 16 the past and the fact that it had started to turn around.</p> <p>17 The facts of the offense itself before the Court are 18 accurately stated in the presentence report and indicate simply 19 that he was with someone else who was being sought by the 20 police, that he walked away from the police. He engaged in 21 inappropriate altercations with the police. But he had a gun, 22 and that gun was prohibited, and he shouldn't have had that 23 gun.</p> <p>24 Therefore, Your Honor, I would disagree respectfully 25 with the probation officer's recommendation of the high end. It</p> <p>Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405</p>
<p>United States of America v. David Jerome Crawford</p> <p>June 23, 2004</p> <p>3</p> <p>1 30, the criminal history category is V, the restricted guideline 2 range is from 180 months to 188 months, the supervised release 3 period is from three years to five years, and the fine range is 4 from \$15,000 to \$150,000.</p> <p>5 Ms. Freeman, is there anything you'd like to say before 6 I pronounce sentence?</p> <p>7 MS. FREEMAN: Yes, Your Honor. Your Honor, as the 8 presentence report indicates, Mr. Crawford is standing before 9 the Court due in large part to his almost constant use of 10 alcohol and drugs since he was very young. The presentence 11 report indicates on page 13 that he began consuming alcohol as a 12 child; that until very recently, he drank three beers and gin 13 every day and drank to the point of intoxication five to six 14 nights per week. Indeed, at the motion to suppress hearing that 15 was before Magistrate Judge McPherson, she made a finding that 16 he was intoxicated at the time of his arrest on this actual 17 offense. He also used marijuana on a weekly basis and used 18 crack cocaine daily. He has an extensive drug and alcohol abuse 19 history.</p> <p>20 He has also an extensive criminal history, and that 21 criminal history is what has placed him in the armed career 22 criminal category. But I think it's significant that out of the 23 many, many, many arrests that he has had, the three felony 24 convictions that place him in the armed career criminal category 25 are the only three felony convictions. All other arrests and</p>	<p>United States of America v. David Jerome Crawford</p> <p>June 23, 2004</p> <p>5</p> <p>1 almost doesn't make a difference, because he's looking at 180 2 months and, candidly, we expect to be back before the Court on a 3 matter relating to 18, United States Code, 3553(e), in the 4 future. But the fact is he had made some little bit of progress 5 in view of this very negative record. And the fact of these 6 three serious felony convictions are what eliminated a 30-month 7 range from this Court's ability to even consider that range. 8 But for his status as an armed career criminal, he would have 9 been eligible for a sentencing range of 150 to 188 months.</p> <p>10 Therefore, Your Honor, I would just suggest that 180 is 11 in fact a very substantial sentence. It reflects accurately the 12 fact that he is an armed career criminal and the fact that he is 13 in that range because of his past criminal behavior, but there 14 is no need for the Court to impose the additional eight-month 15 sentence in view of the fact that there was at least a glimmer 16 that he had started to grow older and more mature and perhaps 17 even move away from what he had been involved in for so long.</p> <p>18 THE COURT: All right. Mr. Crawford, is there anything 19 you'd like to say?</p> <p>20 THE DEFENDANT: Yes, sir. I have destructive behavior, 21 and I accept it. And drugs are dangerous and destructive, and I 22 know that. But I know now that to be able to see my 23 grandchildren grow up, I've got to get away from it. So I've 24 just got to take a hundred-degree turn and either do something 25 about my condition or keep on going in a destructive path. But</p> <p>Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405</p>

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1 I choose to do something about it. And that's not serving two 2 masters. That's being against drug use. I want to be a 3 counselor one day.		1 in the district to which you are released. While on supervised 2 release, you shall comply with the mandatory and standard 3 conditions of supervised release on file with this court.	
4 THE COURT: All right. Ms. Redmond?		4 The Court also orders the following special 5 conditions. You shall participate in drug testing and/or 6 treatment if directed by the probation officer. You shall 7 contribute to the cost of any treatment based on ability to pay 8 and availability of third-party payments. You shall submit to a 9 search of your person, residence, office, or vehicle pursuant to 10 the search policy of this court.	
5 MS. REDMOND: Your Honor, per the terms of the oral 6 plea agreement entered into by the parties, at this time, the 7 government would recommend the low end of the applicable 8 guideline be -- excuse me -- guidelines, as determined by the 9 Court.		11 The Court finds that there is no identifiable victim 12 who incurred a financial loss as a result of this offense.	
10 THE COURT: Mr. Crawford, given the nature of your 11 prior background involving a substantial amount of violence and 12 given the nature of all of these matters bringing you to a 13 criminal history category of V, I have considered what your 14 lawyer has said as well as everything in the presentence report; 15 but in view of your past history, I cannot in good conscience 16 sentence you to the minimum that you're entitled to. I'm going 17 to sentence you to the maximum amount of 188 months.		13 Now, are there any objections to the sentence or to the 14 manner in which the Court pronounced it? For example, do you 15 have any objections to the Court's ultimate findings of fact or 16 conclusions of law? If you fail to state such fully articulated 17 objections at this point, you run the risk of being unable to 18 raise such objection on appeal.	
18 What I am going to do, Mr. Crawford, is something that 19 may save your life. And that is I'm going to recommend that you 20 be sent to an institution that has intensive residential 21 substance abuse treatment available. That federal program is 22 supposed to be a fine program that helps people break 23 addictions. That's where your problem is, and that's what you 24 need to do something about. It only works if you want to make 25 it work. From what you just said to me a few minutes ago, you		19 Ms. Freeman?	
Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405		20 MS. FREEMAN: Your Honor, we have no objections to the 21 sentence. I would note that this is a conditional plea pursuant 22 to Rule 11(a)(2) of the Federal Rules of Criminal Procedure.	
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1 seem to recognize that you've got to be the one to change 2 things. You'll have a chance to do that with this program while 3 you're in prison, and I hope you do. You're going to be there 4 for a long time. But you break this addiction and turn your 5 life around, and you can do some good things while you're still 6 in the prison system and, when you get out, be a different man. 7 I hope you'll take advantage of it.		1 sentence as stated by the Court. I just have one question. I 2 wasn't sure I heard the Court announce an assessment fee in this 3 case.	
8 THE DEFENDANT: (Nods head)		4 MS. FREEMAN: Yes.	
9 THE COURT: The sentence will now be stated, but you 10 will have a final chance to make legal objections before the 11 sentence is imposed.		5 MS. REDMOND: Okay. I apologize, Your Honor.	
12 Pursuant to the Sentencing Reform Act of 1984, it is 13 the judgment of the Court that you are hereby committed to the 14 custody of the Federal Bureau of Prisons to be imprisoned for a 15 total term of 188 months. The Court recommends that you be 16 designated to a facility where intensive residential substance 17 abuse treatment is available. You are remanded to the custody 18 of the United States Marshal.		6 THE COURT: I think I did. If not, there is a special 7 assessment fee of \$100 due immediately.	
19 You shall pay to the U.S. District Court Clerk a 20 special assessment fee of \$100, which is due immediately. Based 21 on your inability to pay, the Court waives imposition of a 22 fine.		8 MS. REDMOND: Is that \$100 per count, Your Honor?	
23 Upon release from imprisonment, you shall be placed on 24 supervised release for a term of five years. Within 72 hours of 25 release from custody, you shall report to the probation office		9 THE CLERK: There's just one count.	
Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405		10 MS. REDMOND: Please excuse me. I'm sorry.	
		11 THE COURT: Okay.	
		12 MS. REDMOND: Excuse me.	
		13 THE COURT: All right. Mr. Crawford, you have the 14 right to appeal. As stated by your lawyer, this was a 15 conditional guilty plea, and you have the right to appeal. Any 16 appeal must be taken within ten days. If you cannot afford the 17 cost of an appeal, you have the right to apply for leave to 18 appeal in forma pauperis. And if you're eligible for that, you 19 will be furnished with a free lawyer and a free transcript. You 20 are committed to the custody of the United States Marshal.	
		21 MS. FREEMAN: Thank you, Your Honor.	
		22 MS. REDMOND: Your Honor, I believe that's all I have 23 before the Court today. May I be excused?	
		24 THE COURT: You may, Ms. Redmond.	
		25 MS. REDMOND: Thank you for your patience, Judge.	
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United States of America v. David Jerome Crawford 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	June 23, 2004 United States of America v. David Jerome Crawford 10 (Proceedings concluded at 11:16 a.m.) ***** COURT REPORTER'S CERTIFICATE I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. This 4th day of August, 2004.  RISA L. ENTREKIN, RDR, CRR Official Court Reporter	June 23, 2004 United States of America v. David Jerome Crawford
United States of America v. David Jerome Crawford Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405	Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405	June 23, 2004 United States of America v. David Jerome Crawford Risa L. Entrekin, RDR, CRR U.S. District Court One Church Street, Montgomery, AL 36104 334-240-2405